REMARKS

In the Office Action dated April 5, 2004, claims were objected to; the drawings were objected to; claims 1, 8, 16, and 30 were rejected under 35 U.S.C. § 112, ¶ 2; claims 1-7, 9-15, and 17-30 were rejected under § 102 over U.S. Patent No. 6,137,875 (Mo); and claims 8 and 16 were rejected under § 103 over Mo in view of U.S. Patent No. 5,313,641 (Simcoe).

CLAIM OBJECTIONS

Applicant acknowledges that renumbering by the Examiner of claim 29 to 30.

The Office Action objected to claim 8 due to alleged insufficient antecedent basis for the language "the one trunk." Applicant respectfully submits that claim 8 depends indirectly from claim 5, where "one trunk" is introduced at line 2 of claim 5. Therefore, sufficient antecedent basis exists for this element of claim 8.

The Office Action objected to claim 9 because of the alleged insufficient antecedent basis for "the other one." It is respectfully submitted that the meaning of "the other one" is clear in the context of claim 9. Claim 9 recites that the main queue is adapted to use one of an ASEQ algorithm and a DSEQ algorithm. Claim 9 further recites that the one of the ASEQ and DSEQ algorithm used for the main queue is a counterpart of the other one of the ASEQ algorithm and DSEQ algorithm for a queue in the second switch. Thus, for example, if the main queue uses the ASEQ algorithm, then the ASEQ algorithm is a counterpart of a DSEQ algorithm in the second switch. Conversely, if the main queue uses the DSEQ algorithm, then the ASEQ algorithm (the counterpart of the DSEQ algorithm) is used for the queue in the second switch. Withdrawal of the objection against claim 9 is therefore respectfully requested.

OBJECTIONS TO DRAWINGS

The drawings were objected to on the basis that proper legends are missing. The Office Action does not specifically identify what legends are missing from the drawings. Applicant respectfully requests the identification of the legends that are considered to be

missing from the drawings. Without such identification, Applicant is unable to consider what, if any, changes are needed to the drawings.

REJECTIONS UNDER 35 U.S.C. § 112, ¶ 2

Claims 1, 8, 16, and 30 were rejected under § 112, ¶ 2, for being indefinite. In particular, the term "likely" was rejected as not being clearly defined. It is respectfully submitted that the term "likely" has an ordinary meaning that is well understood, and furthermore, the term "likely" is well supported by the specification. In the some embodiments of the present application, switches of a telephony network are designed to predict whether a trunk selected in one switch is likely to conflict with a trunk selected by an opposing switch. Thus, in this context, the term "likely" refers to the predictive nature of the trunk selection algorithm used in a switch. This predictive algorithm, in some embodiments, cannot always predict with certainty a trunk that an opposing switch will select. Therefore, it is respectfully submitted that the term "likely" is not unclear in the context of the present invention. Withdrawal of the § 112 rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Claim 1 was rejected as being anticipated by Mo. Applicant respectfully disagrees with this assessment.

Claim 1 recites a first switch system that includes a controller to determine if an indicated at least one available trunk is likely to be used by a second switch for call origination, and *if* the at least one available trunk is likely to be used by the second switch, the controller is adapted to select another trunk for call origination.

Mo teaches that a group of trunks (indicated as being 7 in Figure 2 of Mo) can be divided into two subgroups 200 and 202 (Figure 2 of Mo). In switch module 11 of Figure 2 of Mo, the subgroup 200 is hunted (allocated) using a FIFO algorithm, while the subgroup 202 is hunted using a LIFO algorithm. Conversely, in the switch module 13 of Figure 2 of Mo, the subgroup 200 is hunted using a LIFO algorithm, while the subgroup

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202 is hunted using a FIFO algorithm. Agreement is reached between the switch modules 11 and 13 regarding which one of the FIFO and LIFO algorithms have precedence. Mo, 3:65-67. In one example, the LIFO algorithm has precedence. In such an example, each switch module 11 or 13 selects a trunk by first hunting the LIFO subgroup (subgroup 202 for switch module 11 and subgroup 200 for switch module 13). Mo, 3:67-4:9. If a LIFO trunk is not available, then processing proceeds to the subgroup of lower precedence, in this case the FIFO subgroup, where a hunt for an available trunk is performed. Mo, 4:10-21. By dividing a group of trunks into two subgroups, the switch modules 11 and 13 are thus able to search different subgroups (to avoid conflict) for selecting a trunk. However, this searching of different subgroups performed by switch modules 11 and 13 in Mo does not constitute a controller to determine if an indicated at least one available trunk *is likely to be used by a second switch for call origination*, and furthermore, *if* the at least one available trunk is likely to be used by the second switch, the controller to *select another trunk for call origination*.

Applicant submits that the "if" condition of claim 1 cannot be satisfied by Mo. Neither switch module 11 nor switch module 13 *determines* if an available trunk is likely to be used by the opposing switch for call origination, and *if* the at least one available trunk is likely to be used by the second switch, to select another trunk for call origination. Mo relies upon the arrangement of subgroups to reduce the likelihood of conflicts--Mo does not make any specific determination of whether a trunk is likely to be used by an opposing switch, and to select another trunk *if the available trunk is likely to be used by the second switch*.

In view of the foregoing, it is respectfully submitted that claim 1 is not anticipated by Mo.

Claim 14 recites selecting a trunk (in a first switch system) in response to a call origination based on first and second queues that contain identifiers arranged in different arrangements, where selecting the trunk includes: selecting a first trunk from available trunks in the first queue, and using the second queue to *predict* if the first trunk selected from the first queue will conflict with a trunk selected by a second switch system. Such prediction is not performed at all by Mo, which relies upon dividing a group of trunks

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into subgroups such that opposing switches perform hunting of trunks in different subgroups. Therefore, claim 14 is not anticipated by Mo.

Independent claim 22 is also not disclosed by Mo. Claim 22 recites maintaining a first list of available circuits in a first switch, *tracking* a second list of available circuits *in the second switch*, and selecting a circuit for call origination based on the first list and the *tracking of the second list*. In Mo, trunk selection for call origination is based on hunting through a first subgroup, followed by hunting through a second subgroup if no available trunk is found in the first subgroup. However, such selection of a trunk is not based on a first list of available circuits in a first switch and *tracking* of a second list of available circuits in *a second switch*. Therefore, claim 22 is not anticipated by Mo.

Claim 29 is similarly allowable over Mo.

With respect to independent claim 30, Mo does not disclose a trunk selection logic adapted to select an available trunk using a first queue and a shadow queue, where the trunk selection logic is adapted to access the shadow queue to determine if a selected trunk from the first queue is likely to be used by the second switch by call origination, and *if* the available trunk is likely to be used by the second switch, the controller adapted to select another trunk for call origination. Therefore, claim 30 is not anticipated by Mo.

Dependent claims, including newly added dependent claims 31-33, are allowable for at least the same reasons as corresponding independent claims.

Moreover, with respect to the obviousness rejections of claims 8 and 16 over Mo and Simcoe, it is respectfully submitted that the obviousness rejection is defective in view of the defective application of Mo against respective base claims 1 and 14.

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0096US).

Respectfully submitted,

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